

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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|----------------------------------|---|-----------------------------------|
| Tristian Murray and Iveey Jones, |) | CASE NO.: <u>2:23-cv-4991-RMG</u> |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | COMPLAINT |
| |) | Non-Jury Trial |
| United States of America, |) | |
| |) | |
| Defendant. |) | |
| |) | |

Plaintiffs, complaining of Defendant, allege and say:

PARTIES

1. Tristian Murray is and was at all times mentioned herein a citizen and resident of the State of South Carolina.
2. Iveey Jones is and was at all times mentioned herein a citizen and resident of the State of South Carolina.
3. Upon information and belief, Defendant United States of America owned, controlled and/or is responsible for the maintenance, inspection and repair of the roadway at Bullhead Road in Berkeley County that is the subject of this lawsuit.

JURISDICTION

4. The Court has subject-matter jurisdiction over the claims in this lawsuit.
5. The Court has personal jurisdiction over Defendant.
6. Prior to filing this lawsuit, Standard Form 95's were delivered and received by the U.S. Department of Agriculture on behalf of Plaintiffs. Six months have passed and the claims have not been adjudicated.

VENUE

7. Venue is proper.

FACTS

8. On or about January 1, 2022, Plaintiffs were passengers in a motor vehicle operated by Loujack Craven that was traveling along or about Bullhead Road.

9. At the time and place aforementioned, Loujack Craven, suddenly and without warning, struck a big hole on the dirt roadway that Defendant owned, controlled and/or maintained, causing the vehicle to roll over and seriously injuring Plaintiffs.

10. A picture of the hole with a cone warning of the hole subsequent to the wreck is attached hereto and incorporated by reference:



11. Defendant failed to maintain, place a cone or warn or protect motorists of the dangerous and hazardous condition of the hole prior to the Plaintiffs' incident.

FOR A FIRST CAUSE OF ACTION
(Negligence, Gross Negligence)

12. Plaintiffs incorporate all allegations of paragraphs above into this cause of action as if set forth verbatim.

13. That the injuries and damages complained of herein were directly and proximately caused by the following negligent, careless, reckless, willful, and grossly negligent acts of Defendant all in violation of the statutes and common laws of the State of South Carolina, combining and concurring:

- (a) In allowing a dangerous and hazardous condition to exist on the roadway;
- (b) In failing to follow their policies, procedures, guidelines and/or rules;
- (c) In failing to properly maintain, inspect and/or repair;
- (d) In creating a dangerous and hazardous condition;
- (e) In failing to warn;
- (f) In failing to use the degree of care and caution that a reasonable and prudent person would have used under the circumstances then and there prevailing;
- (g) In otherwise being negligent, reckless, and careless; and
- (h) For such other acts and omissions that may become more apparent through the discovery and/or trial of this matter.

14. That as a result of the aforesaid negligent, grossly negligent, careless, willful, and reckless acts, Plaintiffs have been injured and damaged. Plaintiffs have, are and will in the future continue to suffer from the following, including but not limited to: pain and suffering; medical expenses; trauma; loss of enjoyment of life; lost wages; permanent impairment; annoyance, inconvenience, travel and other damages - all to their injury and damage in an amount of actual damages to be determined at the trial of this action.

WHEREFORE, Plaintiffs request that judgment be entered against Defendant on all causes of action and that Plaintiffs be awarded: actual damages; non-jury trial; the costs of this action; and such other and further relief as the Court may deem just and proper.

URICCHIO, HOWE, KRELL, JACOBSON,
TOPOREK & KEITH, P.A.

s/ Jeff Buncher, Jr.
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Charleston, South Carolina